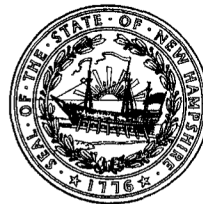




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 1, 2005

Kerry D. Barnsley, Esq.
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Re: Docket No. AF 04-062 – Capitol Fire Protection, Inc.

Dear Attorney Barnsley:

A Notice of Proposed Administrative Fine ("AF") relative to the above-captioned docket number was previously issued September 9, 2004.

On May 31, 2005 you filed a *Motion to Withdraw* [the AF] ("the motion") with my office on behalf of the Department of Environmental Services, Waste Management Division.

On June 1, 2005, the Presiding Officer, Assistant Commissioner Michael J. Walls, granted the motion. The AF is withdrawn.

If you have any questions, please contact me at (603) 271-6072 or by email at msclafani@des.state.nh.us

Sincerely,

COPY
Michael J. Scalfani,
Legal Assistant

cc: Capitol Fire Protection, Inc., Attn: Steve Ratte, Respondent
ec: Michael J. Walls, Assistant Commissioner, DES
Lynn Woodard, DES WMD
Tom Beaulieu, DES WMD
Tammy Calligandes, DES WMD

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES**

Capitol Fire Protection, Inc.
Attn: Steve Ratte
P.O. Box 7839
Loudon, NH 03381-7839

Re: North Village Road, Loudon, NH
UST ID #0-113168

**PROPOSED
ADMINISTRATIVE FINE
No. 04-062**

RECEIVED

MAY 31 2005

MOTION TO WITHDRAW

NOW COMES the Department of Environmental Services, Waste Division ("the Division"), by and through the DES Legal Unit, and files this Motion to Withdraw the captioned matter, and in support thereof states as follows:

1. This matter was originally filed as a notice of proposed administrative fine against an owner/operator of an underground storage tank system ("UST").
2. The respondent has never responded to the Notice or filed any appearance.
3. The respondent was cited for failing to properly temporarily close the UST. It is not clear to the Division whether the UST was ever temporarily closed. The Division would like the opportunity to investigate and file a new administrative action, if needed.
4. I certify that a copy of this Motion was sent to the respondent at the address noted.

WHEREFORE, the Division respectfully requests that the Presiding Officer:

- A. Order the captioned matter be marked "Withdrawn"; and
- B. Grant such further relief as fair and equitable.

5/31/05
Date

Perfectly submitted,
DES Waste Division
COPY

Kerry D. Barnsley, DES Compliance Attorney
P.O. Box 95, Concord, NH 03301
(603) 271-7509

☒ Motion Granted ☐ Motion Denied

6/1/05
Date

COPY
Michael J. Walls, Presiding Officer